Constitution and By-laws

of the

Three Affiliated Tribes

CONSTITUTION AND BYLAWS
OF
THE THREE AFFILIATED TRIBES
OF
THE FORT BERTHOLD RESERVATION

PREAMBLE

We, the Arikara, Gros Ventures, and Mandan Indians of the Fort Berthold Reservation, in North Dakota, eagerly embrace the opportunities for self-rule. And in order to enjoy the blessings of liberty and justice: to intelligently protect our vested rights under existing treaties and the Constitution of the United States: to guarantee to our posterity a more hopeful future: to preserve and develop our real estate and resources: to promote educational efficiency of the enhancement of good citizenship; to promote the general welfare of the three tribes; to make possible a more hopeful, self-sustaining and honorable living, socially and economically, do with deep consciousness of God, as our sovereign, ordain and establish this Constitution for the Three Affiliated Tribes of this Reservation.

ARTICLE I – JURISDICTION

The jurisdiction of the Three Affiliated Tribes of the Fort Berthold Reservation shall extend to all persons and all lands, including lands held in fee, within the exterior boundaries of the Fort Berthold Reservation as defined by the Act of March 3, 1891. (26 Stat. 1032) to all lands added to the Fort Berthold Reservation by Executive Order of June 17, 1892; and to such other persons and lands as may hereafter come within the jurisdiction of the Three Affiliated Tribes, except as otherwise provided by law. (As amended by Amendment No. VIII, approved by the Secretary of the Interior's delegate on March 11, 1985.)

ARTICLE II – MEMBERSHIP

SECTION 1. Membership. The membership of the Three Affiliated Tribes of the Fort Berthold Reservation shall consist of:

(a) Any person born to any member of the Tribes

(This section was amended by Secretarial Election dated April 14, 2008).

SECTION 2. – Dual Enrollment.

(a) Persons enrolled with another tribe and who have received benefits from such tribe in the form of land or payments shall not be eligible for enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation, provided that inherited interests shall not be considered as being benefits.

(b) A person eligible for membership with the Three Affiliated Tribes of the Fort Berthold Reservation and another tribe shall relinquish whatever rights of membership he may hold in the other tribe as a condition to his enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation.

SECTION 3. The Tribal Business Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances.

ARTICLE III – GOVERNING BODY

SECTION 1. The governing body of the Three Affiliated Tribes of the Fort Berthold Reservation shall be known as the Tribal Business Council.

SECTION 2. The Tribal Business Council shall consist of seven (7) members. The Chairman of the Tribal Business Council shall be elected at large by a majority of all of the votes cast for the office of Chairman. The six (6) other Council members shall be elected from segments, one council member to elected from each of the following segments by a majority of all the votes cast for the office of Council representative from that respective segment:

White Shield .....1 representative
Twin Buttes .....1 representative
New Town/Little Shell.....1 representative
Mandaree.....1 representative
Four Bears.....1 representative
Parshall/Lucky Mound.....1 representative

SECTION 3. The boundaries of the segments shall be described as follows:

White Shield: That part of the Reservation starting at a point intersecting the eastern boundary and the McLean-Mountrail County line, thence westerly on that line to its junction with Highway #37, thence southerly on that line to the thread of Deep Water Bay, thence along that thread to its junction with the thread of the Missouri River, thence southerly and westerly along the thread of the Missouri to extreme southeasterly corner of the Reservation boundary, thence north approximately two (2) miles, thence due west to the line of the eastern boundary, thence due north to the point of beginning.

New Town/Little Shell: That part of the Reservation starting at a point at the junction of the thread of the stream of the Missouri River with the 48th parallel of north latitude, thence southward along the thread of the Missouri River to the thread of the Van Hook Arm, thence northward along the thread of the Van Hook Arm to the thread of Shell Creek, thence northeasterly along the thread of Shell Creek to its junction with the 48th parallel, thence due west along the 48th parallel to the point of beginning.

Mandaree: That part of the Reservation starting at a point at the junction of BIA Highway #4 and the western boundary of the Reservation, thence due south to the thread of the Little Missouri River, thence eastward and northward along the thread of the Little Missouri River, to the thread of the Missouri River, thence northward and westward along the thread of the Missouri river to the northern boundary of this segment, the northern boundary starting at the point of origin eastward along BIA #4 to the junction of
Highway #22, thence along the line connecting the northern boundaries of Sections 32, 33, 34, 35, and 36 of T. 151 N. eastward to the thread of the Missouri River.

Four Bears: That part of the Reservation lying within the northern and western Reservation boundaries with the thread of the Missouri River as the eastern boundary, the southern boundary being a line running eastward along BIA Highway #4 to the junction of Highway #22, thence along the northern boundaries of Sections 32, 33, 34, 35 and 36 of T. 151 N. eastward to the thread of the Missouri River.

Parshall/Lucky Mound: That part of the Reservation starting at a point at the junction of the thread of the stream of Shell Creek with the 48th parallel, thence southward along the thread of Shell Creek to the thread of the Van Hook Arm, thence southward on the thread of the Missouri River, to the thread of Deep Water Bay, thence easterly on a line to a point approximately one and one half miles due north to Highway #37 and continuing along Highway #37 to a point intersecting the McLean-Mountrail County line, thence easterly on that line to its junction with the line of the eastern boundary, thence north on that line to the point at the junction of the 48th parallel, thence westerly on that parallel to the point of beginning.

(as amended by Amendment IX, effective July 2, 1986 changing referendum vote September 1, 1970, Resolution No. 70-89)

SECTION 4: The Tribal Business Council shall have the authority to change the segment boundaries, subject to the approval of the voters of the Reservation at any regular or special election.

SECTION 5: Within three (3) days after the installation of the successful candidates for Council positions elected at the general election, the newly constituted Tribal Business Council shall meet and organize by electing a Vice

Chairman, a Secretary, and a Treasurer from it own member; and from within or outside its own members. It may elect or appoint a Sergeant-at-Arms and such other officers and committees as it may find necessary.
(This section amended by Amendment No. 1, effective October 16, 1956 and further amended by Amendment No. III, effective September 10, 1974,)

SECTION 6: The members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified.
(As amended by Amendment No. 1, effective October 16, 1956.)

ARTICLE IV – NOMINATIONS AND ELECTIONS

SECTION 1. All elections shall be by secret ballot.

SECTION 2 (a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is eighteen (18) years of age and over, shall be eligible to vote at any tribal election.

(This section amended by Amendment No. 1, effective October 16, 1956 and further amended by Amendment No. IV, effective September 10, 1974.)

SECTION 2 (b). For the purposes of voting in Tribal Business Council elections exclusively, any eligible voter of the Three Affiliated Tribes, whose place of legal residence is located outside the exterior boundaries of the Fort Berthold Reservation on the date of an election, shall return to the Reservation in order to vote in the election and shall register to vote and cast his ballot at the appropriate segment polling place on the date of the election.

In the initial election actually voted in subsequent to the effective date of this Amendment, each such non-resident eligible voter shall be entitled to vote at the polling place located in the segment of his choice; provided, however, that such choice of segment shall be binding upon such non-resident voter in subsequent elections, until such time as he has established and maintains legal residence on the Fort Berthold Reservation in a different segment on the date of any subsequent election.
(As amended by Amendment XI, effective July 2, 1986)

SECTION 3 (a). The general election of the Tribal Business Council shall be held on the Tuesday next after the first Monday in November in every even numbered year. In the event, however, that the general election cannot be held on said date. The election shall be held on a date designated by the Tribal Business Council, which date shall be within a period of thirty (30) days from the day heretofore specified.

In case of a tie vote for any position on the Tribal Business Council in a general election, such that a qualified candidate for such position is not elected, a special run-off election shall be held between the tied candidates. The candidate who

receives the higher number of votes in the special run-off election shall be declared elected to such position.

In case of tie vote in a run-off election for any position on the Tribal Business Council, a second run-off election shall be held between the two (2) tied candidates for such position and the candidate who secures the higher number of votes cast in the second run-off election shall be declared elected to such position. In the case of a tie vote in the second run-off election, the two (2) tied candidates shall draw straws in a special lottery conducted by the tribal election board for the purpose of determining which candidate shall be declared elected to the position.
(As amended by Amendment XII effective July 2, 1986.)

SECTION 3 (b). A primary election shall be held for each vacant position on the Tribal Business Council, which election shall be held on the Tuesday next after the third Monday in September in every even numbered year. In the event, however, that pursuant to the authority granted in Section 3 (a) of this Article, the Tribal Business Council should extend the date of the general election beyond the Tuesday next after the first Monday in November in a particular election year, the date on which the primary election will be held in such year shall be likewise extended for the same period as the general election has been extended.
(As amended by Amendment XII, effective July 2, 1986.)

SECTION 3 (c). The two (2) qualified candidates for each position on the Tribal Business Council, for which an election is being held, who secure the highest number of votes in the primary election shall stand for election in the ensuing general election. In the event, however, that any one qualified candidate for a particular position on the Tribal Business Council should secure a majority of the votes cast for such position in the primary election, such candidate shall be declared elected to such position at the primary stage of the election and a general election shall not be held for such position in that election year.
(As amended by Amendment XII, effective July 2, 1986.)

SECTION 3 (d). Notice of each primary and general election to be held in a respective election year shall be given by the Secretary of the Tribal Business Council to each eligible voter of the Three Affiliated Tribes at least thirty (30) days previous to the date on which the primary election is to be held, which written notice shall set forth the respective locations, dates, and times of both the primary and general elections. In the event, however, that the Secretary of the Tribal Business Council should fail to give the requisite notice in a timely manner as prescribed herein, the Secretary of the Interior, upon receipt of a petition signed by at least ten (10) percent of the eligible voters of the Three Affiliated Tribes, shall call such elections and give at least twenty-five (25) days notice to each such eligible voter, wherein are set forth the respective locations, dates, and times of both the primary and general elections.
(As amended by Amendment XII, effective July 2, 1986.)

SECTION 3 (e). For the purpose of the 1986 Tribal Business Council election, the respective terms of office of each of the incumbent members of the Council shall expire upon the installation of those persons duly elected in the 1986

Council election. Each of the seven (7) positions on the Tribal Business Council shall be elected in the 1986 election. The three (3) segment representatives elected to the Council in the 1986 election by the first, second, and third highest proportionate percentage of votes cast in the respective segments and the person elected to the Office of Chairman shall each serve a four (4) year term of office, each of which shall expire in 1990 upon the election and installation of the successors to such position, unless any such council member is unable to serve throughout such term as provided for in Article V, Section 1. In the event that two (2) segment representatives elected to the council shall secure the same third highest proportionate percentage of votes, such tied council members shall draw straws in a special lottery conducted by the tribal election board for the purpose of determining which of such members shall serve a four (4) year term. The remaining three (3) segment representatives elected to the council shall each serve a two (2) year term, each of which shall expire in 1988 upon the election and installation of the successors to such positions, unless any such council member is unable to serve throughout such terms, as provided for in Article V, Section 1.

In the 1988 Tribal Business Council election and in the council elections held every second year thereafter, three (3) segment representatives shall be elected to the council, each of whom shall serve a four (4) year term. The term of office of the Chairman of the Council shall expire in 1990, upon the election and installation of the successor to such office, and every four (4) years thereafter. The duly elected council member shall serve for the respective specified terms of office, each of which term shall commence upon the installation of the elected Council member pursuant to Article 1, Section 4 of the Bylaws of the Three Affiliated Tribes and shall expire upon the installation of the successor to such council position, unless such council member is unable to serve throughout such term, as provided for in Article V, Section 1.
(Section 3 (c) added by Amendment X, effective July 2, 1986.)

SECTION 4. Special elections may be called by two-thirds vote of the Tribal Business Council in favor of such special election, or by a petition signed by at least 10 percent of the qualified voters of each community as provided in Article VIII.

SECTION 5. All elections shall be held under the supervision of the Tribal Business Council or an election board appointed by that council, and the Tribal Business Council or the election board appointed by it, shall make rules and regulations governing all elections, and shall designate the polling places and the election officers.

SECTION 6. In the first election after the adoption of this Amendment, any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is bona fide resident of one of the segments described herein may become a candidate to represent said segment on the Tribal Business Council by filing a notice candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate. In all succeeding

elections, a qualified voter to be eligible to become a candidate must have resided in the segment he proposes to represent for a period of at least six (6) months next preceding the date of the election. At least ten (10) days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting community. In the event that any community has no qualified candidate, as provided herein, such community may nominate one or more candidates by petition, signed by at least ten (10) qualified voters of such community.
(As amended by Amendment No. 1, effective October 16, 1956.)

Any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate for the office of Tribal Chairman by filing a notice of candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate.
(New paragraph added to Section 6 by Amendment No. III, effective September 10, 1974.)

ARTICLE V – VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a council member or officer shall die, resign or be permanently removed from the Reservation, or be removed from office for cause, the Council shall have full authority to appoint a qualified Tribal member from the segment where the vacancy occurs to serve the unexpired term of said member or office. However, in case the Chairman's position becomes vacant due to the Chairman's death, resignation, permanent removal from the Reservation or removal from office for cause, the unexpired term of the Chairman shall be filled by a member of the Council, selected by a majority vote of the council. In that instance, the Council shall promptly appoint, as herein provided, to fill the vacancy created by a Council member assuming the Chairman's position.

SECTION 2. The Tribal Business Council may remove a member for cause by five (5) or more members voting for such removal, but before any vote is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated meeting of the Council, and the decision of the Tribal Business Council shall be final as to the removal or retention of such member,

SECTION 3. The Tribal Business Council shall, within one (1) year of the date of approval of this Section, enact an ordinance setting forth what constitutes cause for removal of a Council member pursuant to Section 2 of this Article.

ARTICLE VI – POWERS

SECTION 1. The Three Affiliated Tribes of the Fort Berthold Reservation, acting through their Tribal Business Council, shall have the powers granted by this Article; but any power exercised through that Council shall be subject to a popular referendum as provided by this Constitution.

SECTION 2. The exercise of the powers granted by this Constitution is subject to any limitations imposed by the statutes of the United States or by this Constitution and Bylaws.

SECTION 3. The people of the Fort Berthold Reservation hereby grant to the Tribal Business Council of the Three Affiliated Tribes all necessary sovereign authority – legislative and judicial – for the purpose of exercising the jurisdiction granted by the people in Article 1 of this Constitution. Further the people hereby delegate to the Tribal Court such jurisdictional power and authority as may be necessary to realize the jurisdiction granted by the people in Article I of this Constitution.

SECTION 3 (a). To present and prosecute any claims or demands of the Three Affiliated Tribes, and to assist members of the Tribes in presenting their claims or grievances before any court or agency of government, and to employ legal counsel; the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

SECTION 3 (b). The people of the Three Affiliated Tribes, in order to achieve a responsible and wise administration of this sovereignty delegated by this Constitution to the Tribal Business Council, hereby specifically grant to the Tribal Court the authority to enforce the provisions of the Indian Civil Rights Act, 25 U.S.C. 1301, *et seq.*, including the award of injunctive relief only against the Tribal Business Council if it is determined through an adjudication that the Tribal Business Council has in a specific instance violated that Act.

SECTION 4. Any resolution or ordinance which, by the express requirements of federal law, is subject to the approval of the Secretary of the Interior, shall be presented to him, and he shall, within ten (10) days thereafter, approve or disapprove the same.

(Article VI – Powers, Sections 1 through 4 amended by Amendment No. VIII, effective March 11, 1985.)

SECTION 5. The Tribal Business Council shall have the following powers, the exercise of which shall be subject to popular referendum as hereinafter provided in this Constitution.

(a). To manage all economic affairs and enterprises of the Three Affiliated Tribes of the Fort Berthold Reservation in accordance with the terms of a charter to be issued to them by the Secretary of the Interior.

(b). To create and maintain a Tribal Business Council fund by accepting grants or donations from any person, state, or the United States, or by income from the Tribal enterprises, or by levying assessments of not less than 10 cents and not to exceed $1 per year per capita on the qualified voters of the Three Affiliated Tribes, and to require the performance of labor in lieu thereof, provided the

payment of such per capita levy shall be made before any person shall vote in any election held more than 6 months after the date of said levy.

(c). To administer any funds or property within the exclusive control of the Tribes to make expenditures from available Tribal funds for public purposes of the Tribes, including salaries or other remuneration of Tribal officials or employees. Such salaries or remuneration shall be paid only for services actually rendered. All expenditures from the Tribal Business Council fun shall be by resolution duly passed by the Council to such effect, and the amounts so paid shall be matters of public record at all times.

(d). To negotiate with the Federal, State and local governments on behalf of the Tribes, and to advise and consult with the representatives of the Interior Department on all activities of that Department that may affect the Fort Berthold Reservation.

(e). **(Stricken by Amendment No. II, effective December 22, 1961.)**

(f). To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Three Affiliated Tribes prior to the submission of such estimates or projects to the Bureau of the Budget and to Congress.

(g). To purchase land of members of the organization under condemnation proceedings in courts of competent jurisdiction.

(h). To regulate the inheritance of real and personal property, other than allotted lands, within the territory of their jurisdiction.

(i). To make arrangements and leases of Tribal lands, and otherwise to manage Tribal lands, interests in Tribal lands, and property upon such lands, in conformity with Article IX of this Constitution.

(j). To protect and preserve the property, wildlife, and natural resources of the Tribes; to regulate hunting and fishing on all lands within the jurisdiction of the Tribes, and to cultivate and preserve native arts, crafts, culture, ceremonies and traditions.

(k). To make recommendations to the Superintendent of the Fort Berthold Agency, the Commissioner of Indian Affairs, or the Secretary of the Interior, concerning the appointment and removal of employees assigned to duty of the Fort Berthold Reservation.

(l). To adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials of the Reservation.

SECTION 6. Likewise subject to popular referendum, the Tribal Business Council may exercise such further powers as may in the future be delegated to the Three Affiliated Tribes of the Fort Berthold Reservation by the Secretary of the Interior or by any other duly authorized official or agency or government.

SECTION 7. Any rights and powers heretofore vested in the Three Affiliated Tribes of the Fort Berthold Reservation, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Fort Berthold Reservation through the adoption of appropriate Bylaws and Constitutional amendments.

(NO ARTICLE VII)

ARTICLE VIII – REFERENDUM

Upon a petition signed by at least 10 percent of the qualified voters of each community, demanding a referendum on any proposed or enacted ordinance or resolution of the Tribal Business Council. The Council shall call an election and the vote of a majority of the qualified voters voting in such referendum shall be binding upon the Tribal Business Council, provided that at least 30 percent of the eligible voters shall vote in such referendum.

ARTICLE IX – LAND

SECTION 1. The Tribal Business Council shall have authority to manage and lease or otherwise deal with tribal lands and resources in accordance with law and to prevent the sale, disposition, lease or encumbrance of tribal lands, interest in lands or other tribal assets.

SECTION 2. Tribal lands. The unallotted lands of the Fort Berthold Indian Reservation and all lands which may hereafter be acquired by the Three Affiliated Tribes or by the United States in trust for the Three Affiliated Tribes, shall be held as Tribal lands and no part of such lands shall be mortgaged, sold or ceded, except as permitted by law and then only with the consent and approval of the Secretary of the Interior. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Three Affiliated Tribes, or leased or otherwise used by the tribes as hereinafter provided.

SECTION 3. Leasing of Tribal land – (a) Tribal land may be leased by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods as permitted by law. (b) Grazing permits covering Tribal lands may be issued by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

SECTION 4. Assignment of Tribal lands – (a) The Tribal Business Council may be ordinance, approved by the Secretary of the Interior, provide for granting and tenure of assignments of Tribal land to members of the Tribes. (b) Any member

of the Tribes who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the Tribes in exchange for an assignment to the same land or for other land of a proportionate share in other Tribal assets.

SECTION 5. Use of unassigned Tribal Land – Tribal land which is not leased or assigned, including Tribal timber lands, shall be managed by the Tribal Business Council subject to the approval of the Secretary of the Interior, for the benefit of the members of the Tribes.

SECTION 6. Acquisition of land by Tribe – The Tribal Business Council of the Three Affiliated Tribes is hereby authorized and empowered to acquire by purchase, exchange of tribal land, relinquishment, or otherwise any lands or interests in land and on behalf of the Three Affiliated Tribes under such terms as may be agreed upon provided the acquisition is approved by the Secretary of the Interior.

ARTICLE X – AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribes voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election: but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested by a two-thirds (2/3) vote of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters.

BYLAWS

ARTICLE 1 – DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Business Council shall preside at all meetings of the council and direct the work of its officers. He shall appoint, subject to the approval of the council, such standing committees and special committees and other officers as the business of the tribe may require.

In the absence of the chairman from any regular council meeting or any special meeting regularly called, the vice-chairman shall preside in his place, and he shall have all the privileges, duties, and responsibilities of the chairman in his absence.

SECTION 2. The Secretary of the Tribal Business Council shall conduct all correspondence of the council, shall keep all records, minutes of meetings, and an accurate roll of members by communities. He shall receive all petitions, applications and other papers, and prepare them for the action of the council. He shall promptly submit a copy of the minutes of each council meeting to the Superintendent of the Agency. He shall perform such other clerical duties relating to the business of the council as it may direct.

SECTION 3. The Treasurer of the Tribal Business Council shall accept, receipt for, keep and safeguard all funds in the custody of the council, whether they be Tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in a bank or elsewhere as directed by the council and shall make and keep a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody to the council at regular meetings and at such other times as requested by the council, his reports to be in writing and matters of record. He shall not expend or otherwise disburse any funds in his possession or in the possession or custody of the Tribal Business Council except when he is authorized to do so by resolution duly passed by the council. All checks shall be signed by the Treasurer and shall be countersigned by the Chairman of the Tribal Business Council, and all checks issued prior to July 1, 1940, shall be approved by the Superintendent of the Reservation.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the council, and at such other times as the council or the Commissioner of Indian Affairs may direct. The treasurer shall be required to be under a surety bond satisfactory to the council and to the Commissioner of Indian Affairs.

SECTION 4. The Tribal Business Council, or an election board appointed by it, shall certify to the election of the duly elected council members within 3 days

after the election, and the newly elected councilmen who have been certified shall be installed at the first meeting of the Tribal Business Council thereafter, upon subscribing to the oath of office as follows: "I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, and will faithfully and impartially discharge the duties of councilman to the best of my ability".

SECTION 5. The duties of all appointed committees and officers shall be clearly defined by resolution of the Council at the time of their appointment, and such committees and officers shall report from time to time as required by the Council, and their activities and decisions shall be subject to review by the Council at any time.

ARTICLE II – SALARIES

The Tribal Business Council may prescribe such salaries for Council members and Tribal officers appointed by the Council as it deems advisable, from such funds as may be available, provided that no compensation shall be paid to any tribal officer out of any tribal funds except by resolution duly passed and approved by the Council, and subject to popular referendum the same as other powers of the Council, and further provided that no compensation shall be paid to any Tribal officer out of tribal funds under the control of the federal government except upon a resolution stating the amount of the compensation and the nature of the services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior.

ARTICLE III – MEETING OF COUNCIL

SECTION 1. The regular meetings of the Tribal Business Council shall be held at such place as may be designated by the Tribal Business Council, on the second Thursday of each month.

SECTION 2. Special meeting may be called by the Chairman or by any three councilmen who shall notify all members of the council at least twenty-four (24) hours before the time of convening such meeting unless a majority of the council approves a shorter call in an emergency.

SECTION 3. Five (5) members shall constitute a legal quorum of the Tribal Business Council.

SECTION 4. In the absence of the Chairman and the Vice Chairman, if a quorum is otherwise present, the Secretary shall act as Chairman until a temporary Chairman is selected.

SECTION 5. At the first meeting of a newly elected Tribal Business Council, it shall establish by resolution a regular order of business such as: roll call, reading of minutes of previous meeting, report of Treasurer, report of committees, unfinished business, new business, etc.

HISTORICAL NOTE

The initial Article III of the Indian Reorganization Act Constitution approved by the Secretary of the Interior, Harold L. Ickes, on June 29, 1936, reads as follows:

ARTICLE III – MEETING OF COUNCIL

SECTION 1. The regular meetings of the Tribal Business Council shall be held at Elbowoods, North Dakota on the second Thursday of each month.

SECTION 2. Special meetings may be called by the Chairman or by any three councilmen who shall notify all members of the council at least twenty-four (24) hours before the time of convening such meeting unless a majority of the council approve a shorter call in an emergency.

SECTION 3. Seven members shall constitute a legal quorum of the Tribal Business Council.

SECTION 4. In the absence of the Chairman and Vice Chairman if a quorum is otherwise present, the Secretary shall act as Chairman until a temporary Chairman is selected.

SECTION 5. At the first meeting of a newly elected Tribal Business Council, it shall establish by resolution a regular order of business such as, roll call, reading of minutes of previous meeting, report of Treasurer, report of committee, unfinished business, new business, etc.

AMENDMENTS:

SECTION 1 was amended by Amendment V, effective September 10, 1974, to read as it appears above.

SECTION 3 was amended by Amendment IX, effective July 2, 1986, to read as it appears above.

ARTICLE IV – ADOPTION OF CONSTITUTION AND BYLAWS

This constitution and attached Bylaws, when adopted by a majority of the qualified voters of the Arikara, Gros Ventres and Mandan Tribes of the Fort Berthold Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those qualified shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in effect from the date of his approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 11, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to members of the Arikara, Mandan and Gros Ventre Tribes of the Fort Berthold Reservation and was on May 15, 1936, duly ratified by a vote of 366 for, and 220 against. In an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat.378).

GEORGE R. GRINNELL

Chairman of Election Board

ARTHUR MANDAN,
Chairman of the Business Council

PETER BEAUCHAMP,
Secretary

W.R. BEYER,
Superintendent

I, Harold L. Ickes the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended do hereby approve the attached Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to the member of the Three Affiliated Tribes.

All officers and employees of the Interior Department are ordered to abide by the provisions of said Constitution and Bylaws.

Approval recommended June 3, 1936

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior

WASHINGTON, D.C., *June 29, 1936.*